

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**

2 **IN MEDICINE AND SURGERY**

3 IN THE MATTER OF:) **Case No. DO-17-0184A**
4)
5 **CHETAN PATEL, D.O.,**)
6 Holder of License No. 4214) **INTERIM CONSENT AGREEMENT AND**
7) **INTERIM ORDER FOR PRACTICE**
8 For the Practice of Osteopathic Medicine) **RESTRICTION**
9 In the State of Arizona)
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9 **INTERIM CONSENT AGREEMENT**

10 **INTERIM CONSENT AGREEMENT**
11 By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners
12 in Medicine and Surgery ("Board") and Chetan Patel, D.O. ("Respondent"), the parties agree to the
13 following disposition of this matter.

14 1. Respondent has read and understands this Interim Consent Agreement and the stipulated
15 Interim Findings of Fact, Interim Conclusions of Law and Interim Order ("Consent Agreement").
16 Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and
17 has done so or chooses not to do so.

18 2. By entering into this Interim Consent Agreement, Respondent voluntarily relinquishes
19 any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge
20 this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of
21 action related thereto or arising from said Consent Agreement.

22 3. This Interim Consent Agreement is not effective until approved by the Board as
23 evidenced by the signature of its Executive Director.
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25

1 4. Respondent admits to the findings of fact and conclusions of law contained in the Interim
2 Consent Agreement and Order.

3 5. This Interim Consent Agreement, or any part thereof, may be considered in any future
4 disciplinary action against Respondent.

5 6. This Interim Consent Agreement does not constitute a dismissal or resolution of this or
6 other matters currently pending before the Board, if any, and does not constitute any waiver, express or
7 implied, of the Board's statutory authority or jurisdiction. The acceptance of this Interim Consent
8 Agreement does not preclude any other agency, subdivision or officer of this State from instituting
9 other civil or criminal proceedings with respect to the conduct that is the subject of this Consent
10 Agreement.
11

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to the
13 Board's Executive Director, Respondent may not revoke the acceptance of the Interim Consent
14 Agreement. Respondent may not make any modifications to the document. Any modifications to this
15 original document are ineffective and void unless mutually approved by the parties.
16


17 8. This Interim Consent Agreement, once approved and signed, is a public record that will
18 be publicly disseminated as a formal action of the Board and will be reported to the National Practitioner
19 Data Bank and to the Board's website.

20 9. If any part of the Interim Consent Agreement is later declared void or otherwise
21 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in force and
22 effect.
23

24 10. If the Board does not adopt this Interim Consent Agreement, (1) Respondent will not
25 assert as a defense that the Board's consideration of the Interim Consent Agreement constitutes bias,

1 prejudice, prejudgment or other similar defense; and (2) the Board will not consider content of this
2 Interim Consent Agreement as an admission by Respondent.

3 REVIEWED AND ACCEPTED THIS ____ DAY OF JULY, 2017.

4
5 
6 _____
Chetan Patel, D.O.

7 **JURISDICTIONAL STATEMENTS**

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9 1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the licensing
10 and practice of osteopathic medicine in the State of Arizona.

11 2. Respondent holds License No. 4214 issued by the Board to practice in Arizona as an
12 osteopathic physician.

13 **INTERIM FINDINGS OF FACT**

14 1. On July 13, 2017, Respondent's privileges at a surgery center were suspended due to his
15 alleged failure to remain in the center while patients were in recovery and for the unusually high
16 amounts of narcotics being administered to patients during surgery by Respondent. It was alleged that
17 patients were complaining of high levels of pain, post surgically, even though Respondent had allegedly
18 administered higher doses of narcotics than customary during surgery.

19
20 2. On July 17, 2017, Respondent's counsel sent an email to the Board's Executive Director
21 indicating Respondent has a substance abuse disorder and was entering a residential treatment center.

22 **INTERIM CONCLUSIONS OF LAW**

23
24 1. Pursuant to A.R.S. § 32-1800, et seq. the Board has subject matter and personal
25 jurisdiction in this matter.

2. The conduct and circumstances described in the Findings of Fact above, if proven true, constitute unprofessional conduct as defined in the following paragraphs of ARS § 32-1854:

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard.

(38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

(39) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, and based upon the Interim Findings of Fact and Interim Conclusions of Law, **IT IS HEREBY ORDERED THAT:**

1. Chetan Patel, DO, ("Respondent") **IS RESTRICTED FROM PRACTICING** medicine until the investigation in case is completed and he appears before the Board of Osteopathic Examiners for resolution.

2. Respondent shall undergo a minimum of thirty days of in-patient substance abuse rehabilitation treatment at a program or facility that has been approved by the Board's Executive Director prior to admission. Any and all costs associated with compliance with this Order shall be Respondent's responsibility.

3. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

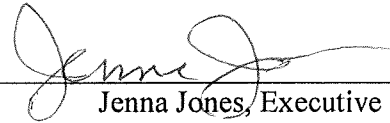
4. Any violation of this Interim Consent Agreement and Order constitutes unprofessional conduct and may result in disciplinary action and or referral to the appropriate law enforcement agency.

ISSUED THIS 24th DAY OF JULY, 2017.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

///



By: _____



Jenna Jones, Executive Director

Original filed this 24th day of July, 2017, with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale, AZ 85258-5539

Copy of the foregoing sent via regular mail
this 24th day of July, 2017 to:

Jeanne Galvin, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

Copy of the foregoing sent via email and regular mail, this
24th day of July, 2017 to:

Chetan Patel, D.O.
Address of Record

Copy of the foregoing sent via email this
24th day of July, 2017 to:

Steve Myers, Esq.
Address of Record